

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re:)	
OSAMA M. EL-ATARI,)	
)	
Debtor,)	
_____)	
KEVIN R. MCCARTHY, Trustee,)	1:12-cv-504 (GBL-IDD)
)	
Plaintiff,)	
)	
v.)	
)	
CALIBRAX CAPITAL PARTNERS, LLC,)	
)	
Defendant.)	

ORDER

Upon consideration of the April 5, 2012 Report and Recommendation of United States Bankruptcy Judge Brian F. Kenney, who was designated to conduct a hearing in this matter, no objection having been filed within fourteen days, and upon an independent *de novo* review of the record, it is hereby

ORDERED that the Court adopts, as its own, the findings of fact and accepts the recommendation of United States Bankruptcy Judge Brian Kenney, as set forth in the April 5, 2012 Report and Recommendation. Accordingly, it is hereby

ORDERED that Plaintiff Kevin R. McCarthy's Motion for Default Judgment against Defendant Calibrax Capital Partners, LLC is **GRANTED** as to all three counts of the complaint filed in Adversary Proceeding No. 11-01428. It is further

ORDERED that judgment in the amount of \$350,250.00, representing \$350,000 in transferred funds and \$250 in costs incurred as a result of this Adversary Proceeding, is

ENTERED in favor of Plaintiff Kevin R. McCarthy and against Defendant Calibrax Capital Partners, LLC. It is further

ORDERED that any claims held by Defendant against the bankruptcy estate are **DISALLOWED** until the judgment is paid.

The Clerk is directed to forward a copy of this Order to counsel of record.

IT IS SO ORDERED.

ENTERED this 28th day of January, 2013.

Alexandria, Virginia

01/28/13

_____/s/
Gerald Bruce Lee
United States District Judge